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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
STATE OF NEW YORK, STATE OF ILLINOIS, STATE OF	:
MARYLAND, STATE OF WASHINGTON,	:
	:
Plaintiffs,	:
	:
v.	:
	:
UNITED STATES DEPARTMENT OF HEALTH AND	:
HUMAN SERVICES,	:
	:
Defendant.	:
-----X	

07 Civ. 8621 (PAC)
ECF CASE

SECOND DECLARATION OF SERRIN TURNER

I, Serrin Turner, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury as follows:

1. I am an Assistant United States Attorney in the office of Michael J. Garcia, United States Attorney for the Southern District of New York. I am the attorney assigned to the defense of this matter.

2. I submit this declaration in support of Defendant's Motion to Dismiss, insofar as defendant's motion seeks dismissal under Rule 12(b)(1) of the Federal Rules of Civil Procedure.

3. Appended as Exhibit A hereto is a true and complete copy of a letter from the Centers for Medicare and Medicaid Services ("CMS") addressed to all State Health Officials, dated May 7, 2008.

4. Appended as Exhibit B hereto is a true and complete copy of a letter from CMS to the Director of the Rhode Island Department of Human Services, dated May 9, 2008.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
May 16, 2008

/s/ Serrin Turner
SERRIN TURNER